

REMARKS

The Applicants do not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention.

Therefore, the Applicants, respectfully, request that the foregoing amendment be entered in and that the claims to the present application, kindly, be reconsidered.

Claims 1-12 are pending in the present application for invention. Claims 1-12 are rejected by the May 28, 2004 Final Office Action. The Advisory Action dated September 30, 2004 has been received and considered by the Applicants. The September 30, 2004 Advisory Action sustains the rejection of Claims 1-12 contained within the Final Office Action dated May 28, 2004. The foregoing amendment is believed to obviate the rejection of Claims 1-12 contained within the Final Office Action dated May 28, 2004.

The Final Office Action dated May 28, 2004 rejected Claims 1-12 under the provisions of 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,778,187 issued to Monteiro et al. (hereinafter referred to as Monteiro et al. The Examiner in the Final Office Action dated May 28, 2004 took the position that Monteiro et al. teach the user interface changes in response to a different song being played. The foregoing amendment has altered the claims in a manner to clearly distinguish the present invention from the teaching of Monteiro et al.

Claim 1 has been amended to recite that the skin "defines an artistic background comprising one of a background color, a background shape or a specific orientation of controls" which is not disclosed or suggested by Monteiro et al.

Claim 9 has been amended to clearly identify that the skin defines "an artistic background within which data can be displayed" which is not disclosed or suggested by Monteiro et al.

The Applicants, respectfully, point out that a skin as defined by the present application for invention is a specific implementation of a "user interface". The Applicants draw the Examiner's attention to page 1 of the specification to the present invention beginning at line 9, where the term skins is used within the present invention is defined. Beginning at line 12 on page 1 the specification states that a "skin may consist of a user interface layout, which defines a specific background, colors and shapes,

and position in nature of control buttons in the graphical user interface." Accordingly, the amendment made to Claims 1 and 9 does not introduce new matter into the present application for invention.

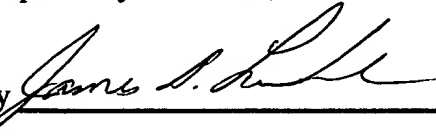
Monteiro et al. teach that the user interface changes in response to a different song being played. The Applicants would like to point out that Monteiro et al. teach changing the information displayed within the user interface and not changing the skin as defined by the amended claims. The Applicants point out that skin changes are not at all discussed within Monteiro et al. The user interface within Monteiro et al. stays the same. There is no discussion within Monteiro et al. related to changing the layout, appearance or the arrangement of items displayed within user interface. Therefore, Claims 1 and 9 are believed to be allowable over the cited reference, Monteiro et al. Claims 2-8, and 10-12 depend from Claim 1 and 9, either directly or indirectly, and further narrow and define Claim 1 and 9. Therefore, Claims 2-8 and 10-12 are also believed to be allowable over the cited reference, Monteiro et al.

The foregoing amendment to the claims adds new claims 13-20 that define subject matter similar to the subject matter recited by Claims 1-12 discussed above. Therefore, Claims 13-20 are believed to be allowable for the reasons discussed above regarding Claims 1-12.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

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